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REMARKS

Claims 1-12, 15, 17-23 and 26 are Allowable

The Office has rejected claims 1-12, 15, 17-23 and 26, in paragraphs 1 and 2 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,834,091 to Litwin, Jr., et al. ("Litwin"), in view of US Patent No. 5,703,877 to Nuber, et al. ("Nuber"). Applicant respectfully traverses the rejection.

None of the cited references, including Litwin and Nuber, disclose or suggest the specific combination of Claim 1. In contrast to Claim 1, Litwin discloses a "method of synchronization of a powerline modem network for a plurality of devices ...." *See* Litwin, col. 1, ll. 44-45. Nuber discloses a method to process digital audio data from a packetized data stream carrying television information. *See* Nuber, col. 4, ll. 28-30. Neither Litwin, nor Nuber, discloses or suggests a method that includes receiving data from a first source device via a first network and receiving synchronization pulses from a second source device via a second network, as recited in Claim 1. Thus, Claim 1 is allowable.

Claims 4 and 5 have been cancelled. Claims 2-3, 6-12, 15 and 17 depend from Claim 1, which Applicant has shown to be allowable. Thus, the asserted combination of Litwin and Nuber fails to disclose or suggest at least one element of each of the dependent claims 2-3, 6-12, 15 and 17, at least by virtue of their dependency from Claim 1.

In addition, none of the cited references, including Litwin and Nuber, disclose or suggest the specific combination of Claim 18. Neither Litwin, nor Nuber, disclose or suggest a method that includes transmitting data from a first source device via a first network and transmitting synchronization pulses from a second source device via a second network, as recited in Claim 18. Thus, Claim 18 is allowable.

Claims 21 and 22 have been cancelled. Claims 19-20, 23 and 26 depend from Claim 18, which Applicant has shown to be allowable. Thus, the asserted combination of Litwin and Nuber fails to disclose or suggest at least one element of each of the dependent claims 19-20, 23 and 26, at least by virtue of their dependency from Claim 18.

Claims 13, 24, and 40 are Allowable

The Office has rejected claims 13, 24 and 40, in paragraph 4 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Litwin, in view of Nuber, and further in view of US Application Pub. No. 2002/0098798 A1 by Solum, et al. ("Solum"). Applicant respectfully traverses the rejection.

No motivation exists to make the combination asserted by the Office. Litwin discloses a powerline network that "synchronizes devices by employing one or more subcarrier frequencies, which provide a synchronization signal to all devices in [the] powerline network." *See* Litwin, col. 2, ll. 31-34. Nuber discloses a decoder apparatus to process digital audio data from a packetized data stream carrying television information. *See* Nuber, col. 4, ll. 28-30. Solum, on the other hand, is directed to a communication system that "provides for downstream transmission of telephony and control data in a first frequency bandwidth over a hybrid fiber/coax distribution network and reception of upstream telephony and control data in a second frequency bandwidth over the hybrid fiber/coax distribution network." *See* Solum, Abstract.

Solum should not be combined with Litwin, because Litwin is specifically directed to a powerline network, whereas Solum is directed to transmitting telephony data via a hybrid fiber/coax distribution network. Additionally, Solum should not be combined with Nuber, because Nuber is directed to a decoder apparatus that synchronizes audio and video within digital television data, whereas Solum is directed to transmission and reception of telephony data. There is no motivation to make the combination asserted in the Office Action other than that provided by the Applicant's disclosure. The asserted combination is an impermissible hindsight reconstruction based on the Applicant's disclosure.

Moreover, in contrast to Claim 1, Solum discloses "downstream transmission of downstream control data and downstream telephony information in a first frequency bandwidth over the hybrid fiber/coax distribution network and reception of upstream telephony information and upstream control data in a second frequency bandwidth over the hybrid fiber/coax distribution network." *See* Solum, paragraph [0029]. Solum does not disclose or suggest a method that includes receiving data from a first source device via a first network and receiving synchronization pulses from a second source device via a second network, as recited in Claim 1.

Additionally, Solum does not disclose or suggest a method that includes transmitting data from a first source device via a first network and transmitting synchronization pulses from a second source device via a second network, as recited in Claim 18. Thus, the asserted combination of Litwin, Nuber, and Solum fails to disclose or suggest at least one element of each of the dependent claims 13 and 24, at least by virtue of their dependency from Claim 1 and Claim 18, respectively.

In addition, none of the cited references, including Litwin and Nuber, disclose or suggest the specific combination of Claim 27. In contrast to Claim 27, Litwin discloses a powerline modem having a clock synchronization circuit that generates a synch carrier signal and a transmitter/ receiver that transmits data. *See* Litwin, col. 3, ll. 8-43. Nuber discloses a decoder apparatus to process digital audio data from a packetized data stream carrying television information. *See* Nuber, col. 4, ll. 28-30. Solum discloses transmission of data between the first source device and the second source device, rather than the transmission of data to a destination device from a first source to a destination device and transmission of synchronization pulses to the destination device from a second source. Neither Litwin, nor Nuber, nor Solum, disclose or suggest a first source device to transmit a plurality of data to a destination device and a second source device to transmit a plurality of synchronization pulses to the destination device, where the second source device is physically separate from the first source device, as recited in Claim 27. Thus, Claim 27 is allowable. The asserted combination of Litwin, Nuber, and Solum fails to disclose or suggest at least one element of the dependent claim 40, at least by virtue of its dependency from Claim 27.

Claims 14, 25, and 41 are Allowable

The Office has rejected claims 13, 24 and 40, in paragraph 4 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Litwin, in view of Nuber, and further in view of "Optical PPM Generator by Direct Frequency-Shifting," *OFC '98 Technical Digest*, by Mazzali, et al. ("Mazzali"). Applicant respectfully traverses the rejection.

As discussed previously, none of the cited references, including Litwin and Nuber, disclose or suggest a method that includes receiving data from a first source device via a first network and receiving synchronization pulses from a second source device via a second network, as recited in Claim 1. Additionally, neither Litwin, nor Nuber, discloses or suggests a method that includes transmitting data from a first source device via a first network and transmitting synchronization pulses from a second source device via a second network, as recited in Claim 18. Mazzali discloses "a modulator-less scheme of PPM...which converts a digital FM signal applied directly on [a] laser source to a PPM signal with a natural synchronization pulse." Mazzali does not disclose or suggest receiving data from a first source device via a first network and receiving synchronization pulses from a second source device via a second network, as recited in Claim 1, or transmitting data from a first source device via a first network and transmitting synchronization pulses from a second source device via a second network, as recited in Claim 18. Thus, the asserted combination of Litwin, Nuber, and Mazzali fails to disclose or suggest at least one element of each of the dependent claims 14 and 25, at least by virtue of their dependency from Claim1 and Claim 18, respectively.

In addition, it has been demonstrated that neither Litwin, nor Nuber, disclose or suggest a first source device to transmit a plurality of data to a destination device and a second source device to transmit a plurality of synchronization pulses to the destination device, where the second source device is physically separate from the first source device, as recited in Claim 27. Mazzali does not disclose transmission of data from a first source device to a destination device and transmission of synchronization signals from a second source device that is physically separate from the first source device. Hence, the combination of Litwin, Nuber and Mazzali fails to disclose or suggest the specific combination of Claim 27. As Claim 41 depends from Claim 27, the asserted combination of Litwin, Nuber, and Mazzali fails to disclose or suggest at least one element of the dependent claim 41, at least by virtue of its dependency from Claim 27.

Claims 27-39, 42, 45-46 and 49 are Allowable

The Office has rejected claims 27-39, 42, 45-46 and 49, in paragraph 5 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Litwin, in view of Nuber. Applicant respectfully traverses the rejection.

As explained previously, none of the cited references, including Litwin and Nuber, disclose or suggest the specific combination of Claim 27. In contrast to Claim 27, Litwin discloses a powerline modem having a clock synchronization circuit that generates a synch carrier signal and a transmitter/ receiver that transmits data. *See* Litwin, col. 3, ll. 8-43. Nuber discloses a decoder apparatus to process digital audio data from a packetized data stream carrying television information. *See* Nuber, col. 4, ll. 28-30. Neither Litwin, nor Nuber, disclose or suggest a first source device to transmit a plurality of data to a destination device and a second source device to transmit a plurality of synchronization pulses to the destination device, where the second source device is physically separate from the first source device, as recited in Claim 27. Thus, Claim 27 is allowable.

Claims 32 and 33 have been cancelled. Claims 28-31, 34-39, 42, 45-46 and 49 depend from Claim 27, which Applicant has shown to be allowable. Thus, the asserted combination of Litwin and Nuber fails to disclose or suggest at least one element of each of the dependent claims 28-31, 34-39, 42, 45-46 and 49, at least by virtue of their dependency from Claim 27.

Claims 16 and 43 are Allowable

The Office has rejected claims 16 and 43, in paragraph 6 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Litwin, in view of Nuber, and further in view of US Patent No. 6,763,241 to Gous, et al. ("Gous"). Applicant respectfully traverses the rejection.

No motivation exists to make the combination asserted by the Office. Litwin discloses a powerline network that "synchronizes devices by employing one or more subcarrier frequencies, which provide a synchronization signal to all devices in [the] powerline network." *See* Litwin, col. 2, ll. 31-34. Litwin is directed to providing "synchronization for such devices to ensure a

proper display rate" of video data. *See* Litwin, col. 2, ll. 36-39. Nuber discloses a decoder apparatus to process digital audio data from a packetized data stream carrying television information. *See* Nuber, col. 4, ll. 28-30. The decoder apparatus synchronizes audio and video to provide 'lip synchronization' in video displays. *See* Nuber, col. 9, ll. 10-12. Gous, on the other hand, discloses a GPS-enabled "method of synchronizing the transmission of information in assigned time slots between mobile transceiver units...and a base station...." *See* Gous, col. 2, ll. 60-64.

In contrast to Litwin and Nuber, the synchronization signals in Gous determine when separate devices may transmit data. Gous does not use synchronization signals that synchronize audio and video data at a destination device. Thus, the proposed combination of Litwin and Nuber with the synchronization system in Gous could prevent the methods and apparatus of Litwin and Nuber from synchronizing audio and video data in a display. As a result, there is no motivation to make the combination asserted in the Office Action other than that provided by the Applicant's disclosure. The asserted combination is an impermissible hindsight reconstruction based on the Applicant's disclosure.

Additionally, as discussed previously, none of the cited references, including Litwin and Nuber, disclose or suggest the specific combination recited in Claim 1. In addition, Gous does not disclose a method that includes receiving data from a first source device via a first network and receiving synchronization pulses from a second source device via a second network. In contrast to Claim 1, Gous discloses "a system that synchronizes the transmission of data between multiple units and a base station using a GPS synchronous clock signal." *See* Gous, col. 2, ll. 25-28. Thus, no combination of Litwin, Nuber and Gous discloses or suggests the specific combination of Claim 1.

Claim 16 depends from Claim 1, which Applicant has shown to be allowable. Thus, the asserted combination of Litwin, Nuber and Gous fails to disclose or suggest at least one element of the dependent claim 16, at least by virtue of its dependency from Claim 1.

Further, it has been explained previously that none of the cited references, including Litwin and Nuber, disclose or suggest the specific combination of Claim 27. In addition, Gous does not disclose a first source device to transmit data to a destination device via a first network

and a second source to transmit synchronization pulses to the destination device via a second network, where a controller within the destination device determines when the destination device accesses the data received from the first source device, as recited in Claim 27. In contrast to Claim 27, Gous discloses "a system that uses GPS synchronization pulses in a communication system to provide synchronization of the transmission of data," not synchronization of data received. *See* Gous, Abstract. Thus, Claim 27 is allowable.

Claim 43 depends from Claim 27, which Applicant has shown to be allowable. Thus, the asserted combination of Litwin, Nuber and Gous fails to disclose or suggest at least one element of the dependent claim 43, at least by virtue of its dependency from Claim 27.

Claims 44 and 47-48 are Allowable

The Office has rejected claims 44 and 47-48, in paragraph 7 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Litwin, in view of Nuber, and further in view of US Patent No. 5,784,597 to Chiu, et al. ("Chiu"). Applicant respectfully traverses the rejection.

As explained previously, none of the cited references, including Litwin and Nuber, disclose or suggest the specific combination of Claim 27. In addition, the combination of Litwin, Nuber and Chiu does not disclose the specific combination of Claim 27. In contrast to Claim 27, Chiu discloses "a computer network...wherein the upstream transmission is synchronized by information received on a downstream channel." *See* Chiu, Abstract. Moreover, Chiu discloses client stations that receive both data and synchronization signals on the same first frequency band. *See* Chiu, Abstract. Chiu does not disclose transmission of data from a first source device via a first network and transmission of synchronization signals from a second source device via a second network, as recited in Claim 27. Thus, Claim 27 is allowable.

Claims 44 and 47-48 depend from Claim 27, which Applicant has shown to be allowable. Thus, the asserted combination of Litwin, Nuber and Chiu fails to disclose or suggest at least one element of each of the dependent claims 44 and 47-48, at least by virtue of their dependency from Claim 27.

In addition, the dependent claims include further features not found in the cited references. For example, Claim none of the cited references, including Litwin, Nuber and Chiu, disclose or suggest an error-detection circuit in the destination device, as recited in Claim 44. In contrast to Claim 44, Chiu teaches a Get/Set Parameter subframe that is used by a head-end signal conversion system to get information about client stations. Chiu does not disclose that the head-end signal conversion system is included in a destination device that receives data from a first source device via a first network and synchronization signals from a second source device via a second network, as recited in Claim 44. For this additional reason, Claim 44 is allowable.

Further, none of the cited references, including Litwin, Nuber and Chiu, disclose or suggest a first source device that is a first audio controller and a second source device that is a second audio controller, as recited in Claim 47. In contrast to Claim 47, Chiu discloses client devices receiving data from "the same head-end" device. *See* Chiu, col. 5, ll. 34-37. Chiu does not disclose synchronization signals received at a destination device from a second audio controller, as recited in Claim 47. For this additional reason, Claim 47 is allowable.

Thus, Claims 44 and 47-48 are allowable over the asserted combination of Litwin, Nuber and Chiu.

Claims 50-54 are Allowable

The Office has rejected claims 50-54, in paragraph 8 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Litwin, in view of Nuber, and further in view of US Patent No. 6,721,798 to Kubista, et al. ("Kubista"). Applicant respectfully traverses the rejection.

None of the cited references, including Litwin, Nuber and Kubista, disclose or suggest the specific combination of Claim 50. In contrast to Claim 50, Litwin discloses a "method of synchronization of a powerline modem network for a plurality of devices ...." *See* Litwin, col. 1, ll. 44-45. Nuber discloses a method to process digital audio data from a packetized data stream carrying television information. *See* Nuber, col. 4, ll. 28-30. Kubista discloses "a method for improving processor performance in a network station during data reception...." Kubista, col. 5.

ll. 49-51. No combination of Litwin, Nuber, and Kubista discloses or suggests a computer-implemented method that includes receiving data from a first source device via a first network and receiving synchronization pulses from the source device via a second network, as recited in Claim 50. Thus, Claim 50 is allowable.

Additionally, none of the cited references, including Litwin, Nuber and Kubista, disclose or suggest the specific combination of Claim 51. No combination of Litwin, Nuber, and Kubista discloses or suggests a computer program that includes receiving data from a first source device via a first network and receiving synchronization pulses from the source device via a second network, as recited in Claim 51. Thus, Claim 51 is allowable.

Claim 52 has been cancelled. Claims 53-54 depend from Claim 51, which Applicant has shown to be allowable. Thus, the asserted combination of Litwin, Nuber and Kubista fails to disclose or suggest at least one element of each of Claims 53-54, at least by virtue of their dependency from Claim 51.

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CONCLUSION

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance and respectfully requests that the Examiner reconsider the application and issue a Notice of Allowance for all pending claims. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney or agent.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date

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